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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,623	08/29/2003	Kazuyo Hashiya	008312-0305778	8775
909 7590 05/29/2007 PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102			EXAMINER DAILEY, THOMAS J	
			ART UNIT 2152	PAPER NUMBER
			MAIL DATE 05/29/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/651,623	Applicant(s) HASHIYA ET AL.	
	Examiner Thomas J. Dailey	Art Unit 2152	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/08/2005</u> | 6) <input type="checkbox"/> Other: _____  |

8/29/03, 9/19/05

### **DETAILED ACTION**

1. Claims 1-14 are pending in this application.

#### ***Claim Objections***

2. Claims 2-6 and 8-13 are objected to because they recite, "An information recording and playback apparatus according to claim..." The claims should recite, "The information recording and playback apparatus according to claim..."

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 9-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claims 9-13, recite, "the condition of receiving the recording programming mail by the receiving means is a timing, when..." It is unclear as to what a *timing* actually is and therefore it is unclear when the conditional event occurs.

#### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Daniels (US Pub. No. 2002/0100044).

8. As to claim 1, Daniels discloses an information recording and playback apparatus comprising:

an information recording and playback section which records information on a recording medium, and plays back prestored information from a recording medium ([0083], lines 1-15);

a timer section which operates the information recording and playback section at a predetermined operation starting time ([0086], lines 1-8), and stops the information recording and playback section at a predetermined operation ending time ([0094], lines 1-6);

a memory section which holds operation information of the timer section ([0131], lines 14-19);

a communications control section which inputs and sets the operation starting time and the operation ending time to the timer section from outside ([0131], lines 9-18);

a main-power internally-controllable switch, which always energizes to the timer section, and selectively energizes to the information recording and playback section and the communications control section by external operation ([0103], lines 11-15 (recording section) and [0105], lines 1-7 (playback section)) or management of the timer section;

a radio clock section which receives a standard value used for time correction of the timer section from the outside ([0131], lines 19-22); and

a main control section which controls operations of the information recording and playback section, the timer section, the main-power internally-controllable switch and the radio clock receiving section ([0103], lines 1-4), with reference to the operation starting time and the operation ending time supplied through the communications control section ([0132]).

9. Claims 7-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaizu et al (US Pub No. 2004/0015989), hereafter Kaizu.

10. As to claim 7, Kaizu discloses an information recording and playback apparatus which records and plays back video data, the apparatus comprising:

means for receiving a recording programming mail including recording programming contents from outside in a predetermined condition (Fig. 22 and [0211]); and

means for entering a recording programming in accordance with a recording programming contents in a programming mail acquiring by the receiving means ([Fig. 23 and [0213]).

11. As to claim 14, Kaizu discloses a method entering and acquiring a recording programming contents from outside with a recording programming mail using an information recording and playback apparatus comprising:

receiving a recording programming mail including recording programming contents from outside (Fig. 22 and [0211]); and

entering a recording programming in accordance with a recording programming contents in a programming mail acquiring by a receiving means ([Fig. 23 and [0213]).

12. As to claim 8, Kaizu discloses means for designating an interval between receives of recording programming mail by the receiving means ([0213]).

13. As to claim 9, Kaizu discloses the condition of receiving the recording programming mail by the receiving means is a timing, when an internal power is turned on in the state where a main power is off ([0213]).

14. As to claim 10, Kaizu discloses the condition of receiving the recording programming mail by the receiving means is a timing, when an operation, during which recording programming is impossible, has been completed ([0213], recording is impossible in this instance because the system is turned off, it is completed when the system is fully booted up and then it checks for email messages).
15. As to claim 11, Kaizu discloses the condition of receiving the recording programming mail by the receiving means is a timing, when an operation has been completed, if the apparatus is set to be turned off after the operation ([0213]-[0214], the system boots up (the operation after which it will turn off again), attempts to receive emails, then shuts down again).
16. As to claim 12, Kaizu discloses the condition of receiving the recording programming by the receiving means is a timing, by turning on an internal power for a predetermined time at regular intervals in the state where a main power of the apparatus is off ([0213]).
17. As to claim 13, Kaizu discloses the condition of receiving the recording programming by the receiving means is a timing, when a main power has been turned on ([0213]).

***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels as applied to claim 1 above, and in view of Kaizu.

20. As to claim 2, Daniels discloses the invention substantially with regard to the parent claim 1, and further discloses the communications control section acquiring information corresponding to the operation starting time and the operation ending time of the timer section, by receiving an instruction supplied in electronic form from the outside ([0131], lines 9-18).

But, Daniels does not explicitly disclose the information corresponding to the operation starting time and the operation ending time is in the form of mail, it is simply received via a Web application.

However, Kaizu discloses a recording mechanism acquiring information corresponding to the operation starting time and the operation ending time via mail (Fig. 22 and [0211]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Daniels and Kaizu in order to give the user another way of programming their recording device thereby increasing the overall flexibility of Daniels system.

21. As to claim 3, Daniels discloses the invention substantially with regard to the parent claim 1, and further discloses the communications control section acquiring information corresponding to the operation starting time and the operation ending time of the timer section, by receiving an instruction supplied in electronic form from the outside. ([0131], lines 9-18).

But, Daniels does not explicitly disclose the information corresponding to the operation starting time and the operation ending time is in the form of mail, it is simply received via a Web application.

However, Kaizu discloses a recording mechanism acquiring information corresponding to the operation starting time and the operation ending time via mail (Fig. 22 and [0211]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Daniels and Kaizu in order to give the user another way of programming their recording device thereby increasing the overall flexibility of Daniels system.

22. As to claim 4, Daniels and Kaizu disclose the invention substantially with regard to the parent claim 3, and further disclose the main power being turned on by control of the timer section at the time of starting a main power to correct the time of the timer section by the radio clock section (Daniels, [0103], lines 11-15 and [0131], lines 19-22).

23. As to claim 5, Daniels discloses the invention substantially with regard to the parent claim 1, and further discloses the communications control section acquiring information corresponding to the operation starting time and the operation ending time of the timer section by receiving, if a main power is turned on by control by the timer section and the information recording and playback section is being operated, an instruction supplied in electronic form from the outside when the operation of the information recording and playback section has been completed ([0131], lines 9-18).

But, Daniels does not explicitly disclose the information corresponding to the operation starting time and the operation ending time is in the form of mail, it is simply received via a Web application.

However, Kaizu discloses a recording mechanism acquiring information corresponding to the operation starting time and the operation ending time via mail (Fig. 22 and [0211]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Daniels and Kaizu in order to give the user another way of programming their recording device thereby increasing the overall flexibility of Daniels system.

24. As to claim 6, Daniels discloses the invention substantially with regard to the parent claim 1, the communications control section writing the operation information of the timer section into the memory section, by turning on the main-power internally-controllable switch ([0131], lines 14-19), if an instruction supplied in electronic form from the outside in the state where a main power is off by control by the timer section includes an instruction to turn on the main-power internally-controllable switch ([0131], lines 9-18).

But, Daniels does not explicitly disclose the information corresponding to the operation starting time and the operation ending time is in the form of mail, it is simply received via a Web application.

However, Kaizu discloses a recording mechanism acquiring information corresponding to the operation starting time and the operation ending time via mail (Fig. 22 and [0211]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Daniels and Kaizu in order to give the user another way of programming their recording device thereby increasing the overall flexibility of Daniels system.


### ***Conclusion***

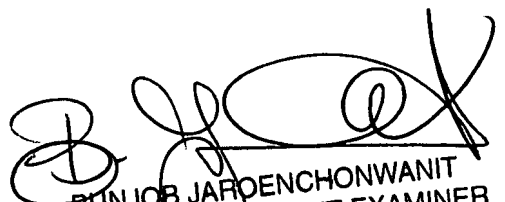
25. For additional prior art made of record and not relied upon and considered pertinent to applicant's disclosure see attached Notice of References Cited, Form PTO-892.
26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Dailey whose telephone number is 571-270-1246. The examiner can normally be reached on Monday thru Friday; 9:00am - 5:00pm.

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27. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

28. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
TJD  
5/23/2007

  
BUNJOB JAROENCHONWANIT  
SUPERVISORY PATENT EXAMINER  
5/24/07